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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,873	02/10/2004	Alfred F. Bergeron	07703-356002	1158
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EXAMINER				
BEAUCHAINE, MARK J				
ART UNIT		PAPER NUMBER		
3653				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/775,873

Applicant(s)

BERGERON ET AL.

Examiner

MARK J. BEAUCHAINE

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-56 is/are pending in the application.
- 4a) Of the above claim(s) 45-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date 3/5/08
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 48 is rejected under 35 U.S.C. 102(a) as being anticipated by Patent Number US 6,896,255 B1 by Fick et al ("Fick"). The banknote stacker mechanism disclosed by Fick comprises stacker plate 48 and a drive means that is coupled to said stacker plate and includes non-circular gears 24 (see Figures 1 and 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49 and 52-54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 5,372,361 by Isobe et al ("Isobe") in view of Patent Number US 6,286,629 B1 by Saunders ("Saunders"). The banknote stacker

mechanism disclosed by Isobe comprises stacker plate 32 (see Figure 4), first scissor arm 33 that is pivotally connected at a first end about a fixed point on said stacker plate, and second scissor arm 33' that is slidably connected at a first end to said stacker plate, is pivotally connected to said first scissor arm at its center 34, and is pivotally connected at a second end 33C about a fixed point on a frame. Isobe further discloses a drive means (see Figure 6) having link arm 36 that is connected to said first scissor arm at pivot point 33b of said first scissor arm to drive said stacker plate (see column 5, lines 44-68).

Isobe fails to disclose said first scissor arm/link arm pivot point being at a midpoint of said scissor arm. Saunders teaches a scissor arm/stacker plate configuration comprising link arm 9 that is pivotally connected at a midpoint of scissor arm 3 for the purpose of actuating stacker plate 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the midpoint link arm connection Saunders into the scissor arm configuration of Isobe for the purpose of activating said stacking plate.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isobe in view of Saunders as applied to claim 49 above, and further in view of Fick. Isobe/Saunders fails to disclose said drive means having non-circular drive gears.

The banknote stacker of Fick comprises a drive means having non-circular gears 56 for the purpose of activating stacker plate 48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the drive

means configuration of Fick into the stacker mechanism of Isobe/Saunders for the purpose of activating said stacker plate.

Claims 51, 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isobe in view of Saunders in view of Fick. The banknote stacker mechanism disclosed by Isobe comprises stacker plate 32 (see Figure 4), first scissor arm 33 that is pivotally connected at a first end about a fixed point on said stacker plate, and second scissor arm 33' that is slidably connected at a first end to said stacker plate, is pivotally connected to said first scissor arm at its center 34, and is pivotally connected at a second end 33C about a fixed point on a frame. Isobe further discloses a drive means (see Figure 6) having link arm 36 that is connected to said first scissor arm at pivot point 33b of said first scissor arm to drive said stacker plate (see column 5, lines 44-68).

Isobe fails to disclose said first scissor arm/link arm pivot point being at a midpoint of said scissor arm. Saunders teaches a scissor arm/stacker plate configuration comprising link arm 9 that is pivotally connected at a midpoint of scissor arm 3 for the purpose of actuating stacker plate 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the midpoint link arm connection Saunders into the scissor arm configuration of Isobe for the purpose of activating said stacking plate.

Isobe fails to disclose said drive means having non-circular drive gears. The banknote stacker of Fick comprises a drive means having non-circular gears 56 for the purpose of activating stacker plate 48. It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to incorporate the drive means configuration of Fick into the stacker mechanism of Isobe for the purpose of activating said stacker plate.

Response to Arguments

Applicant's arguments with respect to claims 48-56 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK J. BEAUCHAINE whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653

mjb